

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

COSTA & GRISSOM MACHINERY
COMPANY, INC. and COSTA
LEVIGATRICI S.p.A.,

Plaintiffs,

v.

QINGDAO GIANTWAY MACHINERY
CO., LTD. and LOBO MACHINERY
CORPORATION,

Defendants.

CIVIL ACTION
NO. 1:08-CV-2948-CAP

O R D E R

This case is before the court on the Report and Recommendation ("R&R") of the Magistrate Judge [Doc. No. 176] and the defendants' supplemental motion for attorneys fees [Doc. No. 178].

Pursuant to this court's order of December 2, 2009 [Doc. No. 154], the Magistrate Judge has issued an R&R recommending that the defendants be awarded a total of \$311,836.32 as sanctions against Plaintiff Costa & Grissom Machinery Company, Inc., and its former counsel. The defendants have objected to this recommendation on several grounds. After careful review of the R&R and the challenges of the defendants, the court ADOPTS the R&R as the order of this court. The defendants shall be awarded attorney fees, costs, and expenses as set forth in Part V of the R&R.

To the extent that the defendants claim this award of fees, costs, and expenses is insufficient to make them whole with regard

to the wrongful seizure of their machine, they will be allowed to seek damages at the trial of the case-in-chief pursuant to O.C.G.A. § 10-1-451. Additionally, the court agrees with the defendants that they should be reimbursed for fees, costs, and expenses associated with litigating the sanction award in this matter. Therefore, the supplemental motion for attorney fees [Doc. No. 178] is GRANTED. The court will determine precisely what legal work shall be included and the amount of this award at the conclusion of the case-in-chief.

The parties are DIRECTED to submit the joint proposed pretrial order within thirty days of the date of this order.

SO ORDERED this, the 1st day of June, 2010.

/s/ Charles A. Pannell, Jr.
Charles A. Pannell, Jr.
United States District Judge